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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING ON MOTION  
SEEKING THE APPROVAL OF THE  
SETTLEMENT AGREEMENT BY AND  
BETWEEN THE USACM LIQUIDATING  
TRUST, USA INVESTMENT PARTNERS,  
LLC, TOBLAK, LLC, DDH FINANCIAL  
CORP., AND TANAMERA  
COMMERCIAL DEVELOPMENT, LLC**

Hearing Date: February 20, 2009  
Hearing Time: 9:30 a.m.

**NOTICE IS HEREBY GIVEN** that a Motion Seeking the Approval of the Settlement Agreement By and Between The USACM Liquidating Trust, USA Investment Partners, LLC, Toblak, LLC, DDH Financial Corp., and Tanamera Commercial Development, LLC (the "Motion") was filed on January 15, 2009 by the USACM Liquidating Trust (the "USACM Trust")

1 [Dkt. No.6745]. The Motion seeks entry of an order approving the Proposed Settlement<sup>1</sup> between  
2 the USACM Trust, USA Investment Partners, LLC, Toblak, LLC, DDH Financial Corp., and  
3 Tanamera Commercial Development, LLC.

4 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief  
5 sought in the Motion, or if you want the Court to consider your views on the Motion, then you  
6 must file an opposition with the Court, and serve a copy on the person making the Motion ***no later***  
7 ***than 15 days*** after the date of this Notice. If the hearing date has been set on less than 15 days'  
8 notice, then the opposition must be filed and served ***no later than 5 business days*** before the  
9 hearing. The opposition must state your position, set forth all relevant facts and legal authority,  
10 and be supported by affidavits or declarations that conform to Local Rule 9014(c).  
11

12 If you object to the relief requested in the Motion, you ***must*** file a **WRITTEN** response to  
13 the Motion with the Court. You ***must*** also serve your written response on the person who sent  
14 you this notice.  
15

16 If you do not file a written response with the Court, or if you do not serve your written  
17 response on the person who sent you this notice, then:

- 18 • The Court may *refuse to allow you to speak* at the scheduled hearing; and  
19 • The Court may *rule against you* without formally calling the matter at the hearing.  
20

21 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be held before  
22 the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building,  
23 300 Las Vegas Boulevard South, Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada  
24 89101 on **Thursday, February 20, 2009, at 9:30 a.m.**  
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<sup>1</sup> Unless otherwise defined, capitalized terms are used as defined in the Motion.

1 Dated: January 15, 2009

2 **DIAMOND MCCARTHY LLP**

3 **LEWIS AND ROCA LLP**

4 By: /s/ Barbara Balliette

5 By: /s/ Rob Charles

6 Allan B. Diamond, TX 05801800 (pro hac vice)

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18 *Special Counsel for USACM Liquidating Trust*

19 *Counsel for USACM Liquidating Trust*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 15<sup>th</sup> day of January 2009, I served a true and correct copy of the foregoing **NOTICE OF HEARING ON MOTION SEEKING THE APPROVAL OF THE SETTLEMENT AGREEMENT BY AND BETWEEN THE USACM LIQUIDATING TRUST, USA INVESTMENT PARTNERS, LLC, TOBLAK, LLC, DDH FINANCIAL CORP., AND TANAMERA COMMERCIA DEVELOPMENT, LLC** by electronic transmission to all parties on the Post Effective Date Service List and counsel for parties to the proposed settlement as set forth below:

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/s/ Catherine A. Burrow, CLA  
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